

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS**

BROADCAST MUSIC, INC.;) UNIVERSAL-SONGS OF POLYGRAM) INTERNATIONAL, INC.;) SONY/ATV SONGS LLC d/b/a SONY/ATV) TREE PUBLISHING; DYNATONE PUBLISHING) COMPANY; RONDOR MUSIC) INTERNATIONAL, INC. d/b/a IRVING MUSIC;) JAMES WILLIAM BUFFETT a/k/a JIMMY) BUFFETT, an individual d/b/a CORAL REEFER) MUSIC; FOUR- TEENTH HOUR MUSIC INC.,) SPRINGTIME MUSIC, INC.; EMI VIRGIN) SONGS, INC. d/b/a EMI FULL NELSON MUSIC;) FREDERICK S. BIENSTOCK and) HAMMERSTEIN MUSIC & THEATRE) COMPANY, INC., a Connecticut Partnership d/b/a) EDWARD B.MARKS MUSIC COMPANY;) DANDELION MUSIC CO., A Division of) JAMIE MUSIC PUBLISHING CO.; PRONTO) MUSIC, a division of COTILLION MUSIC, INC.;) QUINON R. IVY d/b/a QUINVY MUSIC) PUBLISHING CO.; WARNER-TAMERLANE) PUBLISHING CORP.; JEFF TROTT d/b/a) TROTTSKY MUSIC; SHERYL SUZANNE) CROW d/b/a OLD CROW MUSIC; SONGS OF) UNIVERSAL, INC.; LISA ANNE LOEB,) an Individual d/b/a FURIOUS ROSE MUSIC;) JUAN P. PATINO, an individual d/b/a) JUAN PATINO MUSIC PUBLISHING,) Plaintiffs,) v.) MARINA VIEW CORPORATION d/b/a) SKYLINE BAR & GRILL,) GRIMOALDO A. RUSCITO,) ANTONIO C. RUSCITO and) ANTHONY RUSCITO, each) individually,) Defendants.)

MAGISTRATE JUDGE *Sordin*

11845 RCL

RECEIPT # _____
 AMOUNT \$ *250* _____
 SUMMONS ISSUED *J* _____
 LOCAL RULE 4.1 _____
 WAIVER FORM _____
 MCF ISSUED _____
 BY DPTY. CLK. *FJM* _____
 DATE *9/12/05* _____

Civil Action No.: _____

DISCLOSURE STATEMENT

Plaintiffs Broadcast Music, Inc., et al., by and through their attorney, provide the Court with the following information pursuant to Rule 7.1 of the Federal Rules of Civil Procedure:

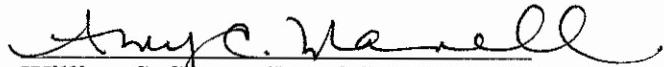
1. Vivendi-Universal (Vivendi Company, France) is a 100% stockholder of Universal-Songs of Polygram International, Inc.
2. Sony/ATV Music Publishing and Sony/MJ Music Publishing LLC are 100% stockholders of Sony/ATV Songs LLC d/b/a Tree Publishing.
3. The Seagram Company, Ltd. c/o Vivendi Universal, S.A. is a 100% stockholder of Rondor Music International d/b/a Irving Music.
4. Virgin Holdings, Inc. is a 100% stockholder of EMI Virgin Songs, Inc.
5. Vivendi-Universal (Vivendi Company, France) is a 100% stockholder of Songs of Universal, Inc.

Respectfully submitted,

BROADCAST MUSIC, INC., et al.
Plaintiffs,

By their attorney:

Dated: September 12 2005


William S. Strong, Esq., BBO #483520
Amy C. Mainelli, Esq., BBO #657201
KOTIN, CRABTREE & STRONG, LLP
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UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

BROADCAST MUSIC, INC.;)
UNIVERSAL-SONGS OF POLYGRAM)
INTERNATIONAL, INC.;)
SONY/ATV SONGS LLC d/b/a SONY/ATV)
TREE PUBLISHING; DYNATONE PUBLISHING)
COMPANY; RONDOR MUSIC)
INTERNATIONAL, INC. d/b/a IRVING MUSIC;)
JAMES WILLIAM BUFFETT a/k/a JIMMY)
BUFFETT, an individual d/b/a CORAL REEFER)
MUSIC; FOUR- TEENTH HOUR MUSIC INC.;)
SPRINGTIME MUSIC, INC.; EMI VIRGIN)
SONGS, INC. d/b/a EMI FULL NELSON MUSIC;)
FREDERICK S. BIENSTOCK and)
HAMMERSTEIN MUSIC & THEATRE)
COMPANY, INC., a Connecticut Partnership d/b/a)
EDWARD B. MARKS MUSIC COMPANY;)
DANDELION MUSIC CO., A Division of)
JAMIE MUSIC PUBLISHING CO.; PRONTO)
MUSIC, a division of COTILLION MUSIC, INC.;)
QUINON R. IVY d/b/a QUINVY MUSIC)
PUBLISHING CO.; WARNER-TAMERLANE)
PUBLISHING CORP.; JEFF TROTT d/b/a)
TROTTSKY MUSIC; SHERYL SUZANNE)
CROW d/b/a OLD CROW MUSIC; SONGS OF)
UNIVERSAL, INC.; LISA ANNE LOEB,)
an Individual d/b/a FURIOUS ROSE MUSIC;)
JUAN P. PATINO, an individual d/b/a)
JUAN PATINO MUSIC PUBLISHING,)
Plaintiffs,)
v.)
MARINA VIEW CORPORATION d/b/a)
SKYLINE BAR & GRILL,)
GRIMOALDO A. RUSCITO,)
ANTONIO C. RUSCITO and)
ANTHONY RUSCITO, each)
individually,)
Defendants.)

05 11845 RCL

Civil Action No.: _____

COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows:

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 *et seq.* (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. ("BMI"), is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 320 West 57th Street, New York, New York 10019. BMI has been granted the right to license the public performance rights in approximately 4.5 million copyrighted musical compositions (the "BMI repertoire"), including those which are alleged herein to have been infringed.

4. The other plaintiffs are the owners of the copyrights in the musical compositions which are the subject of this lawsuit. All plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Upon information and belief, Defendant Marina View Corporation is a corporation organized and existing under the laws of the Commonwealth of Massachusetts, with a principal address at 1030 Metropolitan Ave., Milton, MA 02186, which operates, maintains and controls an establishment known as Skyline Bar & Grill (the "Establishment"), located at 305 Victory Road, Quincy, Massachusetts 02171, in this district. In connection with the operation of this business, defendant Marina View Corporation publicly performs musical compositions and/or causes musical

compositions to be publicly performed.

6. Plaintiffs are informed and believe that defendant Grimoaldo A. Ruscito is an officer of defendant Marina View Corporation with primary responsibility for the operation and management of that corporation and the Establishment.

7. Plaintiffs are informed and believe that defendant Antonio C. Ruscito is an officer of defendant Marina View Corporation with primary responsibility for the operation and management of that corporation and the Establishment.

8. Plaintiffs are informed and believe that defendant Anthony Ruscito is a director of defendant Marina View Corporation with primary responsibility for the operation and management of that corporation and the Establishment.

9. Plaintiffs are informed and believe that defendant Grimoaldo A. Ruscito has the right and ability to supervise the activities of defendant Marina View Corporation and the Establishment, and has a direct financial interest in that corporation and the Establishment.

10. Plaintiffs are informed and believe that defendant Antonio C. Ruscito has the right and ability to supervise the activities of defendant Marina View Corporation and the Establishment, and has a direct financial interest in that corporation and the Establishment.

11. Plaintiffs are informed and believe that defendant Anthony Ruscito has the right and ability to supervise the activities of defendant Marina View Corporation and the Establishment, and has a direct financial interest in that corporation and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

12. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 11.

13. Plaintiffs allege twelve (12) claims of willful copyright infringement, based upon defendants' unauthorized public performance of musical compositions from the BMI repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against defendants.

14. Annexed as Schedule A hereto and incorporated herein is a list identifying the musical compositions whose copyrights are known to have been infringed by defendants. According to plaintiffs' information and belief, defendants have infringed copyright in other musical compositions and at other times in addition to those shown on Schedule A. Schedule A contains information on the twelve claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information: Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 noting the publisher(s) of the musical composition who are also the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the Registration number(s); Line 7 showing the date(s) of infringement; and Line 8 identifying the location of the Establishment where the infringement occurred. All references hereinafter to "Lines" are to lines on the Schedule.

15. Each of the musical compositions identified on the Schedule, Line 2, was created by the persons named on Line 3.

16. On or about the dates indicated on Line 5, the publishers named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act

and received from the Register of Copyrights Certificates of Registration bearing the numbers listed on Line 6.

17. On the dates listed on Line 7, plaintiff BMI was and still is the licensor of the public performance rights in the musical compositions identified on Line 2. On the dates listed on Line 7, the plaintiffs listed on Line 4 were and still are the owners of the copyright in the respective musical compositions listed on Line 2.

18. On the date(s) listed on Line 7, defendants performed and/or caused the musical compositions identified on Line 2 to be publicly performed on the premises of Skyline Bar & Grill without a license or permission to do so. Thus, defendants have committed copyright infringement.

19. Defendants performed and/or caused such musical compositions to be publicly performed notwithstanding repeated warnings from plaintiff BMI that the performance on the premises of Skyline Bar & Grill, without permission from the copyright owners, did and would constitute infringement of copyright in violation of Title 17 of the United States Code.

20. The specific acts of copyright infringement alleged, as well as defendants' entire course of conduct, have caused and are causing plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI repertoire at Skyline Bar & Grill, defendants threaten to continue committing copyright infringement. Unless this Court restrains defendants from committing further acts of copyright infringement, plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

RELIEF REQUESTED

WHEREFORE, plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their

permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

(II) Defendants be ordered to pay statutory damages per claim of infringement, pursuant to 17 U.S.C. Section 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and

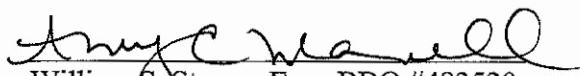
(IV) Plaintiffs have such other and further relief as is just and equitable.

Respectfully submitted:

Date: September 12, 2005

BROADCAST MUSIC, INC., et al,
Plaintiffs,

By their attorneys,


William S. Strong, Esq., BBO #483520
Amy C. Mainelli, Esq., BBO #657201
KOTIN, CRABTREE & STRONG, LLP
One Bowdoin Square
Boston, Massachusetts 02114
Tel: (617) 227-7031
Fax: (617) 367-2988

Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Brown Eyed Girl
Line 3	Writer(s)	Van Morrison
Line 4	Publisher Plaintiff(s)	Universal - Songs Of Polygram International, Inc.
Line 5	Date(s) of Registration	5/2/67
Line 6	Registration No(s).	Eu 993451
Line 7	Date(s) of Infringement	4/14/05
Line 8	Place of Infringement	Skyline Bar & Grille

Line 1	Claim No.	2
Line 2	Musical Composition	Crazy
Line 3	Writer(s)	Willie Nelson
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing
Line 5	Date(s) of Registration	3/6/89 10/16/61
Line 6	Registration No(s).	RE 422-869 Ep 156698
Line 7	Date(s) of Infringement	4/14/05
Line 8	Place of Infringement	Skyline Bar & Grille

Line 1	Claim No.	3
Line 2	Musical Composition	Get Up I Feel Like Being Like A Sex Machine AKA Get Up I Feel Like Being A Sex Machine
Line 3	Writer(s)	James Brown; Bobby Byrd; Ronald Lenhoff
Line 4	Publisher Plaintiff(s)	Dynatone Publishing Company
Line 5	Date(s) of Registration	7/9/70 3/13/73
Line 6	Registration No(s).	Eu 198587 Ep 310534
Line 7	Date(s) of Infringement	4/13/05
Line 8	Place of Infringement	Skyline Bar & Grille

Line 1	Claim No.	4
Line 2	Musical Composition	Joy To The World
Line 3	Writer(s)	Hoyt Axton
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music
Line 5	Date(s) of Registration	11/20/70 4/12/71
Line 6	Registration No(s).	Eu 218428 Ep 284915
Line 7	Date(s) of Infringement	4/14/05
Line 8	Place of Infringement	Skyline Bar & Grille

Line 1	Claim No.	5
Line 2	Musical Composition	Margaritaville
Line 3	Writer(s)	James William Buffett a/k/a Jimmy Buffett
Line 4	Publisher Plaintiff(s)	James William Buffett a/k/a Jimmy Buffett, an individual d/b/a Coral Reefer Music
Line 5	Date(s) of Registration	2/14/77 2/22/80
Line 6	Registration No(s).	Eu 763463 PA 59-700
Line 7	Date(s) of Infringement	4/13/05
Line 8	Place of Infringement	Skyline Bar & Grille

Line 1	Claim No.	6
Line 2	Musical Composition	Mustang Sally
Line 3	Writer(s)	Bonny Rice
Line 4	Publisher Plaintiff(s)	Fourteenth Hour Music Inc.; Springtime Music, Inc.
Line 5	Date(s) of Registration	4/27/93 3/22/65
Line 6	Registration No(s).	RE 627-422 Eu 873659
Line 7	Date(s) of Infringement	4/13/05
Line 8	Place of Infringement	Skyline Bar & Grille

Line 1	Claim No.	7
Line 2	Musical Composition	On The Road Again
Line 3	Writer(s)	Willie Nelson
Line 4	Publisher Plaintiff(s)	EMI Virgin Songs, Inc. d/b/a EMI Full Nelson Music
Line 5	Date(s) of Registration	2/5/80
Line 6	Registration No(s).	PAu 197-371
Line 7	Date(s) of Infringement	4/13/05
Line 8	Place of Infringement	Skyline Bar & Grille

Line 1	Claim No.	8
Line 2	Musical Composition	Paradise By The Dashboard Light
Line 3	Writer(s)	James Steinman ak/a Jim Steinman
Line 4	Publisher Plaintiff(s)	Frederick S. Bienstock and Hammerstein Music & Theatre Company, Inc., a Connecticut Partnership d/b/a Edward B. Marks Music Company
Line 5	Date(s) of Registration	5/13/77 9/18/78
Line 6	Registration No(s).	Eu 785460 PA 13-430
Line 7	Date(s) of Infringement	4/13/05
Line 8	Place of Infringement	Skyline Bar & Grille

Line 1 Claim No. 9

Line 2 Musical Composition She's Some Kind Of Wonderful a/k/a Some Kind Of Wonderful

Line 3 Writer(s) J. Ellison a/k/a John Ellison

Line 4 Publisher Plaintiff(s) Dandelion Music Co., a division of Jamie Music Publishing Co.

Line 5 Date(s) of Registration 6/5/67

Line 6 Registration No(s). Ep 232189

Line 7 Date(s) of Infringement 4/14/05

Line 8 Place of Infringement Skyline Bar & Grille

Line 1 Claim No. 10

Line 2 Musical Composition When A Man Loves A Woman

Line 3 Writer(s) Calvin Lewis; Andrew Wright

Line 4 Publisher Plaintiff(s) Pronto Music, a division of Cotillion Music, Inc.; Quinon R. Ivy d/b/a Quinvy Music Publishing Co.

Line 5 Date(s) of Registration 5/9/66

Line 6 Registration No(s). Ep 216641

Line 7 Date(s) of Infringement 4/13/05

Line 8 Place of Infringement Skyline Bar & Grille

Line 1 Claim No. 11

Line 2 Musical Composition If It Makes You Happy

Line 3 Writer(s) Jeffrey Trott, Sheryl Crow

Line 4 Publisher Plaintiff(s) Warner-Tamerlane Publishing Corp.; Jeff Trott d/b/a Trottsky Music; Sheryl Suzanne Crow d/b/a Old Crow Music

Line 5 Date(s) of Registration 10/10/96

Line 6 Registration No(s). PA 815-033

Line 7 Date(s) of Infringement 4/13/05

Line 8 Place of Infringement Skyline Bar & Grille

Line 1	Claim No.	12
Line 2	Musical Composition	Let's Forget About It
Line 3	Writer(s)	Lisa Loeb; Juan Patino
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc; Lisa Anne Loeb, an individual d/b/a Furious Rose Music; Juan P. Patino, an individual d/b/a Juan Patino Music Publishing
Line 5	Date(s) of Registration	2/20/98
Line 6	Registration No(s).	PA 885-337
Line 7	Date(s) of Infringement	4/13/05
Line 8	Place of Infringement	Skyline Bar & Grille

JS 44 (Rev. 3.99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Broadcast Music, Inc., et al

DEFENDANTS

Marina View Corporation d/b/a Skyline Bar & Grill, et al

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed _____
(IN U.S. PLAINTIFF CASES ONLY)

Norfolk

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.(c) Attorney's (Firm Name, Address, and Telephone Number)
Amy C. Mainelli, Esq.
Kotin, Crabtree & Strong, LLP
One Bowdoin Square, Boston, MA 02114
617-227-7031

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | DEF | | DEF |
|---|----------------------------|----------------------------|---|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehic le <input type="checkbox"/> 355 Motor Vehic le Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW/C/DIW W (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RS1 (405(g))
			FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|--------------------------------------|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 (specify) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--------------------------------------|---|--|

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Copyright infringement in violation of Title 17 of the U.S. Code

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) (See instructions):
IF ANY JUDG E DOCKET NUMBER

DATE 9-12-05 SIGNATURE OF ATTORNEY OF RECORD *Amy C. Mainelli*
FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Broadcast Music, Inc. et al v.
Marina View Corporation d/b/a Skyline Bar & Grill, et al

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court? YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403) YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party? YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284? YES NO

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)). YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division	<input checked="" type="checkbox"/>	Central Division	<input type="checkbox"/>	Western Division	<input type="checkbox"/>
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B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division	<input type="checkbox"/>	Central Division	<input type="checkbox"/>	Western Division	<input type="checkbox"/>
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8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions) YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Amy C. Mainelli, Esq.

ADDRESS Kotin, Crabtree & Strong, LLP, One Bowdoin Square, Boston, MA 02114

TELEPHONE NO. 617-227-7031